

## **REMARKS/ARGUMENTS**

Claims 1-40 were rejected and remain pending in the instant application. Claims 1-3, 5, 8-9, 13, 21, 29, and 33 are amended herein. Claims 41-60 were previously cancelled. The amendments are fully supported by the original disclosure, and no new matter is added.

Reconsideration of the claims in view of the amendment and the following remarks is respectfully requested.

### **Claim Rejections Under 35 USC § 103**

Claims 1-40 are rejected under 35 USC 103(a) as allegedly being unpatentable over *Zalewski et al.* (US 6,771,981) in view of *Altwasser* (US 6,164,551).

Applicants respectfully traverse the rejections on the grounds that the cited combination fails to clearly teach or suggest the claimed subject matter. Nonetheless, Applicants have amended the independent claims without prejudice in order to advance prosecution.

As amended, claim 1 recites a method for providing a radio frequency identification (RFID) comprising:

receiving, by a mobile communications device, an instruction to transmit a first data to a RFID reader;

switching a transceiver of the mobile communications device from a first state to a second state, the transceiver configured to output voice call signals in the first state and to output RFID signals in the second state; and

outputting the first data by the transceiver in the second state, the transceiver outputting the first data as a radio frequency signal in a format employed by the RFID reader.

These amendments are supported at least in Figures 1-4 and 7, and in paragraphs [0025], [0030], [0039], [0044], [0059]-[0065], and [0080].

Zalewski and Altwasser do not teach these features.

Zalewski was cited on page 2 of the OA for teaching “a mobile station 4 having a radio frequency component 18 ***that is a known component*** of mobile phones, which is used to transmit and receive calls and messages using radio frequencies ***in a radio communication network, such as a GSM network***” (emphasis ours). Zalewski was also cited on pages 2-3 of the FOA for teaching that “a cover 100 is coupled to the mobile station.” In the context of these passages, Zalewski discloses that a RFID transponder 110 may be included in cover 100 (col. 8, lines 1-3). Covers 100 “are changeable and thus allow the device on which the cover is attached to become an electronic key . . . .” (col. 8, lines 36-39). In other words, the device of Zalewski has a traditional radio frequency component for transmitting and receiving voice calls and messages over a radio frequency network, ***and requires a separate transmission/reception component (a transponder) for providing data transfer over short distances.***

Zalewski **teaches away** from the recitations of amended claim 1. In particular, Zalewski teaches away from “switching a transceiver of the mobile communications device from a first state to a second state, the transceiver configured to output voice call signals in the first state and to output RFID signals in the second state” because Zalewski explicitly requires radio frequency component 19 for voice calls/messages and a separate transmitter/receiver or transponder (22, 110) for data transfer. For at least the same reasons, Zalewski also **teaches away** from “outputting the first data by the transceiver in the second state, the transceiver outputting the first data as a radio frequency signal in a format employed by the RFID reader” for the same reasons. Therefore, Zalewski neither teaches nor suggests the recitations of amended claim 1.

Further, Applicants respectfully note that the omission of an element and retention of its function is an indicia of unobviousness. MPEP 2144.04, citing *In re Edge*, 359 F.2d 896, 149 USPQ 556 (CCPA 1966). Amended claim 1 recites a method for providing a RFID identification using a transceiver that is configured to output both voice call signals and RFID signals, eliminating an element taught by Zalewski while retaining the function of that element. This weighs against a finding of obviousness based in part on the disclosure of Zalewski.

Altwasser cannot cure the deficiencies of Zalewski. Altwasser merely discloses an economical RFID transponder for use as an identification element. Even if Altwasser and Zalewski were combined as suggested on page 4 of the OA, the combination would not teach or suggest the recitations of the amended claims. At most, the combination would merely provide a more economical RFID transponder for the cover 100 disclosed by Zalewski. Alone or in combination, the references fail to teach or suggest the “switching” or “outputting the first data by the transceiver in the second state” recitations of claim 1.

For at least the above reasons, claim 1 is allowable over the cited combination.

Independent claims 13, 21, and 33 have been amended to recite features substantially similar to those of claim 1, and are therefore also allowable over the cited combination for at least the same reasons.

Claims 2-12, 14-20, 22-32, and 34-39 depend from claims 1, 13, 21, or 33, incorporating the recitations of their base claim, and are thus allowable over the cited references for at least the same reason. In addition, the dependent claims are further allowable over the cited references by virtue of their additional recitations which are not taught or suggested by the references, such as:

- Claim 2: wherein said transceiver comprises a first signal processing unit configured to process voice call signals and a second signal processing unit configured to process RFID signals, said switching comprising coupling the second signal processing unit to a transmission path of the transceiver.
- Claims 3, 22: wherein said first data comprises a selected one of a security key and an identifier.
- Claims 4, 17, 24: wherein said security key comprises a selected one of a garage door key, an exterior door key, an interior door key, and a motor vehicle door key.
- Claims 5, 25: wherein said first data comprises an identifier, and said identifier comprises a selected one of a social security number, a driver's

license number, an affinity program account number, and a credit card number.

- Claim 6: wherein the method further comprises facilitating the user in selecting the first data from a plurality of data using the mobile communication device.
- Claims 7, 18: wherein the method further comprises facilitating provision of the first data to the mobile communication device.
- Claims 8, 19: wherein said facilitating of the provisioning of the data to the mobile communication device includes facilitating provision of at least a signaling attribute associated with the outputting of the data in the format employed by the RFID reader.
- Claim 9: wherein the method further comprises: monitoring for proximal presence of the RFID reader by the mobile communication device; and on detection of the RFID reader by the mobile communication device, outputting by the transceiver a second data as a second radio frequency signal, the outputting emulating output of the second data by a RFID transponder of a passive type.
- Claim 10: wherein said monitoring comprises sensing for a probing radio frequency signal of the RFID reader by the mobile communication device.
- Claims 11, 31: wherein said first and second data are the same data.
- Claims 12, 20, 32, 40: wherein the mobile communication device is a selected one of a wireless mobile phone and a personal digital assistant equipped with communication capability.
- Claim 14: wherein said monitoring comprises sensing for a probing radio frequency signal of the RFID reader by the mobile communication device.
- Claims 15, 35: wherein said data comprises a security key.

- Claims 16, 36: wherein said security key comprises a door key.
- Claim 23: wherein said first data comprises a security key, and said security key comprises a door key.
- Claims 26, 34: wherein the instructions are further designed to facilitate the user in selecting the first data from a plurality of data, and instructing said output.
- Claims 27, 38: wherein the instructions are further designed to facilitate provision of the first data to the mobile communication device.
- Claims 28, 39: wherein the instructions are further designed to include with said facilitating, provisioning of at least a signaling attribute associated with the outputting of the first data in the form of a radio frequency signal.
- Claim 29: wherein the instructions are further designed to monitor for proximal presence of the RFID reader; and on detection of the RFID reader, operate the transceiver to output a second data as a second RFID signal.
- Claim 30: wherein the instructions are further designed to sense for a probing radio frequency signal of the RFID reader.
- Claim 37: wherein said door key comprises a selected one of a garage door key, an exterior door key, an interior door key, and a motor vehicle door key.

For at least the above reasons, Applicants submit that all pending claims are patentable over the cited combination of Zalewski and Altwasser. Notice of allowance is respectfully requested.

## CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 622-1711 if the Examiner believes that an interview might be useful for any reason.

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a).

If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1542. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,  
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